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|----------------------------|-------------|----------------------|---------------------|------------------|
| APPLICATION NO.            | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
| 09/834,074                 | 04/12/2001  | Gary W. Grube        | 276440-12           | 2750             |
| 7590 12/04/2003            |             |                      |                     |                  |
| O'MELVENY & MYERS LLP      |             | EXAMINER             |                     |                  |
| 400 So. Hope Street        |             | ABRAMS, NEIL         |                     |                  |
| Los Angeles, CA 90071-2899 |             |                      |                     |                  |
|                            |             | ART UNIT             | PAPER NUMBER        |                  |
|                            |             | 2839                 |                     |                  |

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                               |                                |  |
|------------------------------|-------------------------------|--------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>09/834,074 | Applicant(s)<br>GRUBE, GARY W. |  |
|                              | Examiner<br>Neil Abrams       | Art Unit<br>2839               |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 10-3-03.
- 2a) ☒ This action is **FINAL**.      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) \_\_\_\_\_ is/are pending in the application. 1-5, 7-12, 14, 15, 17-27, 39-46, 48-66
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration. 66-78, 83, 86-87, 95-103
- 5) ☒ Claim(s) \_\_\_\_\_ is/are allowed. see letter
- 6) ☒ Claim(s) \_\_\_\_\_ is/are rejected. - 48-66, 86, 87, 89, 95-99
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to. see letter
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____    | 6) <input type="checkbox"/> Other: _____                                    |

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Claim 95 is objected to, line 6 "member means" is incorrect.

Claims 48-66, 95-99 and 101 are rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. These claims are based on new matter not disclosed in the application as filed.

See last office action for claim 48 objections. Basically "reverse wiped" is disclosed in the spec to refer to back and forth wiping as the component is pressed downwardly onto the contact as in the figs. 4A, B, C embodiment. Claim 48 is directed to fig. 5A structure and for this embodiment, wiping only occurs in a "single direction" as the component is pressed on the terminal. Therefore no disclosed embodiment supports the claim 48 limitations. Applicants arguments on page 15 are not persuasive. The figs. 3, 4 description does not provide adequate disclosure pertinent to fig. 5A and claim 48. With member 220 and tip 230 located as shown in fig. 5A, "reverse wiping" as the terms are used herein does not seem to take place.

For claim 95, terms "means for reducing a bending stress on said beam" lack basis in disclosure as filed or even in present spec and just what is referred to is unclear. If the terms are to be added to the spec the addition must include disclosure of just how the "stress reduction" is brought about in terms of pertinent figures 8-10.

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Claims 95-99 and 101 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Just what feature, claim 95, line 5 “means for reducing a bending stress” refers to unclear, therefore the metes and bounds of the claimed invention is not reasonably ascertainable.

Claims 86, 87 and 89 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald.

Fitzgerald discloses a system, fig. 4, with substrate 171, beam 180, post 181 and adjustable motor device 186 that may be expanded upwardly to raise contact 180. In each position, the motor 186 forms a “stop” for the contact. Fitzgerald does not disclose the connector to be microelectronic type. However, such terms only refer to size of the contact system. It would have been obvious to miniaturize the Fitzgerald contact if to be used with very small components. Claim 87 relates to method step, not to structure of the device. For claim 89, use of two column would be obvious duplication producing no new result.

Claims 95, 96, 98, 99, 101 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald.

Fitzgerald device, as described above includes means 186 readable as “reducing bending stress” on beam 180, as the concept is best understood. Claims 96, 98, 99 treated as discussed in above rejections.

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Claim 97 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fitzgerald in view of Suzuki.

Fitzgerald system does not include fluid pressure means. Suzuki uses such members to urge contacts. Obvious to use such a member in place of Fitzgerald part 186 as substitution of one equivalent for another.

Applicant's arguments filed with the amendment and pertinent to above rejections have been fully considered but they are not persuasive. See above discussions.

The following is an examiner's statement of reasons for allowance: For claim 78, applicants arguments on page 17, lines 7-14 are persuasive of unobviousness.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claims 1-5, 7-12, 14, 15, 17-27, 39-46, 65-78, 83, 100, 102, 103 are allowed.

Claim 88 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to N. Abrams at telephone number 308-1729.

Abrams/ek

11/17/03

  
N. ABRAMS  
EXAMINER  
ART UNIT 322